

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NILDA SANTOS,)	
)	
Plaintiff,)	
)	CIVIL ACTION
vs.)	
)	FILE NO.: _____
KRISPY KREME DOUGHNUT CORP.)	
)	
Defendants.)	
_____)	

DEFENDANTS' NOTICE OF REMOVAL

Defendant Krispy Kreme Doughnut Corporation ("Krispy Kreme") files this Notice of Removal of the civil action filed by Plaintiff Nilda Santos, and specially appears without waiving any defenses or immunities, to remove the action referred to herein, pursuant to 28 U.S.C.S. §1446 (2005) and F.R.C.P. 11, from the Circuit Court of Wayne County, Michigan to the United States District Court for the Eastern District of Michigan, Southern Division.

The defendant files this Notice subject to its defenses and immunities as to process and service and all special defenses which may be raised subsequent to the filing of this Notice.

The defendant respectfully shows this Court the following:

1. On July 6, 2015, Plaintiff Nilda Santos filed a civil action in the Circuit Court of Wayne County, Michigan, titled *Nilda Santos v. Krispy Kreme Doughnut Corporation*, Civil Action No. 15-008814-NO (the “State Court Action”).

2. Attached hereto as **Exhibit A** are copies of all pleadings, process and orders served upon Defendant in such action to date. (See documents attached hereto as **Exhibit A**.)

3. Defendant attaches hereto a copy of the Notice of Filing of Removal filed in the Circuit Court of Wayne County and served upon opposing counsel, marked as **Exhibit B**.

4. This case is subject to removal under 28 U.S.C. § 1332.

5. As alleged in the Complaint, the plaintiff is a Michigan resident. (See Complaint, contained in **Exhibit A**, ¶ 1).

6. At the time the Complaint was filed, and at all times since, including at the time of this Notice of Removal, Defendant Krispy Kreme was and is a corporation incorporated in the State of North Carolina with its principal place of business in North Carolina. (See Complaint, contained in **Exhibit A**, ¶ 2).

7. The Plaintiff’s Complaint alleges that the amount in controversy exceeds \$25,000.00 and includes a demand for judgment in an unspecified amount for economic damages resulting from “large sums of money for medical and

surgical expenses” including past, present, and future medical and surgical expenses. Plaintiff’s Complaint also alleges and prays for attorney fees and costs. On January 19, 2016, Plaintiff submitted a written demand for \$117, 500.00. (See January 19, 2016 correspondence from Plaintiff’s counsel, attached hereto as **Exhibit C**). Therefore, the amount in controversy, exclusive of interest and costs, between Plaintiff and Defendants is open-ended and potentially exceeds the sum of \$75,000.

8. With respect to removal on the basis of diversity jurisdiction, this removal is timely because it is being filed within thirty days after receipt of the plaintiff’s January 19, 2016 correspondence which demands \$117,500.00 to settle this case and therefore constitutes “an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.” 28 U.S.C. § 1446 (b) (3). (See **Exhibit C**).

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (a) because complete diversity exists between the parties and the amount in controversy is open-ended and potentially exceeds \$75,000.

10. By service of a copy of this Notice of Removal as evidenced by the Certificate of Service, attached, Defendant hereby gives notice of such removal to Plaintiff.

WHEREFORE, Defendant moves that this Notice of Removal be filed, and that said action be removed to and proceed in this Court, so that no further proceedings may be had in said case in the Circuit Court of Wayne County, Michigan.

Respectfully submitted,

GARAN LUCOW MILLER, P.C.

/s/John J. Gillooly
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
313.446.5501
jgillooly@garanlucow.com
P41948

DATED: February 1, 2015



CORPORATION SERVICE COMPANY

Notice of Service of Process

Transmittal Number: 13997461
Date Processed: 07/10/2015

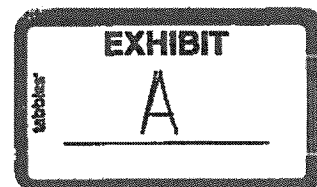
Primary Contact: Mr. Darryl R. Marsch
Krispy Kreme Doughnut Corporation
370 Knollwood Street
Suite 500
Winston-Salem, NC 27103

Copy of transmittal only provided to: Cindie Marshall
Ms. Kim Kennedy

Entity:	Krispy Kreme Doughnut Corporation Entity ID Number 2168229
Entity Served:	Krispy Kreme Doughnut Corporation
Title of Action:	Nilda Santos vs. Krispy Kreme Doughnut Corporation
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Wayne County Circuit Court, Michigan
Case/Reference No:	15-008814-NO
Jurisdiction Served:	Michigan
Date Served on CSC:	07/09/2015
Answer or Appearance Due:	28 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Gary R. Blumberg 313-230-1121

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
CSC is SAS70 Type II certified for its Litigation Management System.
2711 Centerville Road Wilmington, DE 19808 (888) 690-2882 | sop@cscinfo.com





GARY R. BLUMBERG, P.C.

ATTORNEY-AT-LAW

GARY R. BLUMBERG
Email: gblumberg@blumbergpc.com

STEFANIA GISMONDI
Email: sgismond@blumbergpc.com

MICHELLE L. R. EVERETT
Email: meverett@blumbergpc.com

15011 Michigan Avenue
Dearborn, Michigan 48126
(313) 230-1121 (Phone /Fax)

July 7, 2015

VIA CERTIFIED MAIL

Krispy Kreme Doughnut Corporation
CSC-Lawyers Incorporating Service Company
601 Abbott Rd
East Lansing, MI 48823

RE: NILDA SANTOS v KRISPY KREME DOUGHNUT CORPORATION

Enclosed please find a Summons and Complaint for service.

Thank you.

Very truly yours,

Dena Hamilton

Dena Hamilton, Legal Assistant
Gary R. Blumberg

GRB/dh
Enclosures

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND COMPLAINT	CASE NO. 15-008814-NO Hon. David J. Allen
---	-----------------------	---

2 Woodward Ave., Detroit MI 48226

Court Telephone No. 313-224-0250

Plaintiff SANTOS, NILDA	Defendant KRISPY KREME DOUGHNUT CORPORATION
Plaintiff's Attorney Stefania Gismondi, P-74277 15011 Michigan Ave Dearborn, MI 48126-2912	Defendant's Attorney

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state), (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 7/6/2015	This summons expires 10/5/2015	Court clerk File & Serve Tyler
--------------------	-----------------------------------	-----------------------------------

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

COMPLAINT *Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.*

☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
Family Division Cases
☐ There is no other pending or resolved action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties.

☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases
☐ There is no other pending or resolved civil action arise out of the same transaction or occurrence as alleged in the complaint.

☐ An civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

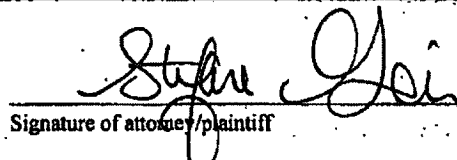
VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted	

Date

7-6-15

Signature of attorney/plaintiff




If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

HON.

-vs-

Case No. 15-

-NO

15-008814-NO

KRISPY KREME DOUGHNUT CORPORATION,

Defendant.

FILED IN MY OFFICE
WAYNE COUNTY CLERK
7/6/2015 1:07:41 PM
CATHY M. GARRETT

GARY R. BLUMBERG - ATTORNEY AT LAW
15011 Michigan Ave, Dearborn, MI 48126
(313) 230-1121

GARY R. BLUMBERG (P29820)
STEFANIA GISMONDI (P74277)
MICHELLE L.R. EVERETT (P76943)
GARY R. BLUMBERG, P.C.
Attorneys for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
313-230-1121 (tel. & fax)
Email: gblumberg@blumbergpc.com
Email: sgismondi@blumbergpc.com
Email: meverett@blumbergpc.com

COMPLAINT

There is no other pending or resolved civil action
arising out of the transaction or occurrence alleged
in the Complaint.

NOW COMES Plaintiff, NILDA SANTOS, by and through her attorneys, GARY R.
BLUMBERG, P.C., and for her cause of action against the Defendant, KRISPY KREME
DOUGHNUT CORPORATION, states as follows:

1. Plaintiff is a resident of Allen Park, Wayne County, Michigan.

GARY R. BLUMBERG - ATTORNEY AT LAW
15011 Michigan Ave, Dearborn, MI 48126
(313) 230-1121

2. Defendant is a corporation authorized to do business in the State of Michigan and at all times pertinent hereto was doing business as KRISPY KREME DOUGHNUTS located at 15050 Southfield Road, Allen Park, Wayne County, Michigan.

3. The cause of action alleged herein occurred in the City of Allen Park, Wayne County, Michigan.

4. The amount in controversy is within the jurisdiction of this Court because Plaintiff claims damages in excess of \$25,000.

5. On or about July 8, 2013, Plaintiff was a business invitee on Defendant's premises located at 15050 Southfield Road, Allen Park, Wayne County, Michigan.

6. On or about July 8, 2013, Plaintiff went to Defendant's place of business at 15050 Southfield Road, and while walking in the foyer slipped on a clear liquid substance that had been left on the floor, and fell to the floor, suffering serious and permanent injuries as hereinafter alleged.

7. Defendant owed the duty to exercise reasonable care and caution in the maintenance of its premises, including the duty to maintain its premises in a reasonably safe condition and exercise ordinary care to protect its invitees from unreasonable risks of injury that were known or should have known in the exercise of ordinary care, but notwithstanding said duties did violate the same in the following particulars:

- a) Negligently and carelessly maintaining and/or failing to maintain its premises;
- b) Failing to inspect the floors of its premises for dangerous and hazardous conditions that would have been disclosed through reasonable inspection;
- c) Failing to clean up and/or mop and/or otherwise remove water and/or tracked in water from the floor of its premises;

GARY R. BLUMBERG - ATTORNEY AT LAW
15011 Michigan Ave, Dearborn, MI 48126
(313) 230-1121

- d) Allowing water and/or tracked in water to accumulate on the floor of its premises rendering the floor dangerous, hazardous, and unsafe for its customers;
- e) Failing to provide a reasonably safe means of ingress to and egress from its premises;
- f) Failing to exercise reasonable care to remove the hazards of tracked in water when Defendant knew or should have known that other customers were tracking water that was accumulating on the floor rendering the floor dangerous hazardous, and unsafe;
- g) Failing to provide reasonably safe premises for invitees to walk to and from their motor vehicles;
- h) Failing to clean up and/or mop up and/or otherwise remove liquid substances including water from the floor of its premises;
- i) Failing to warn of dangerous and hazardous conditions Defendant knew of, or should have known of, through reasonable inspection;
- j) Failing to provide reasonably safe premises, including floors for customers to enter their premises;
- k) Failing to put down mats and/or other non-slip devices;
- l) Allowing, by and through its employees, clear liquid substances, including water, to accumulate on the floor, rendering the premises dangerous, hazardous and unsafe;
- m) Causing and/or allowing a clear liquid substance to be on the floor that was not visible to an ordinary observant person on casual inspection; and
- n) Otherwise negligently and carelessly failing to maintain its premises in a reasonably safe condition, failing to exercise ordinary care to protect Plaintiff invitee from unreasonable risks of injury that were known to Defendant, or should have been known to Defendant, and/or failing to maintain the premises in a reasonably

safe condition in violation of the laws of the State of Michigan, common law and statutory, and the ordinances of the City of Allen Park.

8. As a direct and proximate result of Defendant's aforesaid negligence and breach of duties, Plaintiff suffered injury in and about her entire body, including but not limited to, injury to her left hip and thigh, including hematomas, and injury to the surrounding muscles, nerves, tissues and ligaments, requiring multiple surgeries, all of which injuries are or may become permanent and progressive in nature, causing aggravation to any pre-existing conditions, with past, present and future pain, suffering, discomfort, disability, denial of social pleasures and enjoyments, and mental anguish.

9. Plaintiff was compelled to become obligated for large sums of money for medical and surgical expenses and in the future may be compelled to become obligated for large sums of money for medical and surgical expenses in an attempt to cure herself of the injuries wrongfully inflicted upon her, and hereby claims, in addition to non-economic loss damages, all economic damages, including past, present, and future medical and surgical expenses.

10. Plaintiff claims as damages any and all additional amounts she may be entitled to under the laws of the State of Michigan, common law and statutory, and the ordinances of the City of Allen Park.

WHEREFORE, Plaintiff, NILDA SANTOS, demands judgment against Defendant, KRISPY KREME DOUGHNUT CORPORATION, in whatever amount greater than \$25,000

GARY R. BLUMBERG - ATTORNEY AT LAW
15011 Michigan Ave, Dearborn, MI 48126
(313) 230-1121

the trier of fact deems she is entitled to, plus costs, attorney fees and interest wrongfully sustained.

GARY R. BLUMBERG, P.C.



GARY R. BLUMBERG (P29820)

STEFANIA GISMONDI (P74277)

MICHELLE L.R. EVERETT (P76943)

Attorneys for Plaintiff

15011 Michigan Avenue

Dearborn, MI 48126

313-230-1121

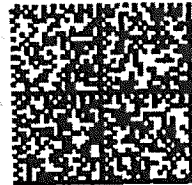
DATED: July 6, 2015

GARY R. BLUMBERG - ATTORNEY AT LAW
15011 Michigan Ave, Dearborn, MI 48126
(313) 230-1121

Gary R. Blumberg, PC.
15011 Michigan Avenue
Dearborn, Michigan 48126



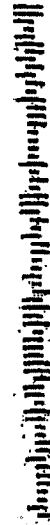
7010 1060 0000 2360 2286



US POSTAGE
\$ 06.74
First-Class
Mailed From 48126
07/07/2015
032A 0061800097

Krispy Kreme Doughnut Corporation
CSC-Lawyers Incorporating Service Company
601 Abbott Rd
East Lansing, MI 48823

488233338601



jp

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

Case No: 15-008814-NO
Judge David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION,

Defendant.

15-008814-NO

FILED IN MY OFFICE

WAYNE COUNTY CLERK

Gary R. Blumberg (P29820)
Stefania Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
313.230.1121
gblumberg@blumbergpc.com
sgismondi@blumbergpc.com
meverett@blumbergpc.com

John J. Gillooly (P41948) 8/6/2015 4:22:15 PM
GARAN LUCOW MILLER, P.C. CATHY M. GARRETT
1155 Brewery Park Blvd., Ste 200
Attorney for Defendant
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com

**DEFENDANT'S ANSWER TO COMPLAINT,
NOTICE OF SPECIAL AND/OR AFFIRMATIVE DEFENSES
AND DEMAND FOR JURY TRIAL**

NOW COMES Defendant, KRISPY KREME DOUGHNUT COPORATION, by and through its attorneys, GARAN LUCOW MILLER, P.C., and for itsr Answer to the Complaint of Plaintiff states as follows:

1. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 1.
2. No contest.
3. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 3.

4. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 4.

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 5.

6. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph No. 6.

7. Denied for same is untrue. Defendant responds to the subparts of Paragraph No. 7 as follows:

- a) Denied for same is untrue.
- b) Denied for same is untrue.
- c) Denied for same is untrue.
- d) Denied for same is untrue.
- e) Denied for same is untrue.
- f) Denied for same is untrue.
- g) Denied for same is untrue.
- h) Denied for same is untrue.
- i) Denied for same is untrue.
- j) Denied for same is untrue.
- k) Denied for same is untrue.
- l) Denied for same is untrue.
- m) Denied for same is untrue.
- n) Denied for same is untrue.

8. Denied for same is untrue.

9. Denied for same is untrue.

10. Denied for same is untrue.

WHEREFORE, the Defendant, KRISPY KREME DOUGHNUT CORPORATION, respectfully requests the entry of a Judgment of No Cause for Action or, in the alternative, the entry of an Order for Dismissal together with an award of interest, costs and attorneys fees so wrongfully incurred.

Respectfully submitted:

/s/John J. Gillooly
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com
P41948

DATED: August 6, 2015

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

Case No: 15-008814-NO
Judge David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION,

Defendant.

Gary R. Blumberg (P29820)
Stefania Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
313.230.1121
gblumberg@blumbergpc.com
sgismondi@blumbergpc.com
meverett@blumbergpc.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Attorney for Defendant
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com

NOTICE OF SPECIAL AND/OR AFFIRMATIVE DEFENSES

NOW COMES the Defendant, KRISPY KREME DOUGHNUT CORPORATION, by and through its undersigned attorney, Garan Lucow Miller, P.C., and for its Affirmative Defenses plead under the first responsive pleading and incorporated by reference herein, states as follows:

1. The Plaintiff fails to state a claim for which relief may be granted against this or any other Defendant and should, therefore, be dismissed.
2. At the time of the occurrence complained of and immediately prior thereto, the Plaintiff or others were guilty of negligence which directly and proximately contributed to the cause of said occurrence and the resulting injuries and damages, if any, sustained by the Plaintiff and Plaintiff's recovery, if any, must be reduced in proportion to said negligence.

3. The Plaintiff's damages were not proximately caused by any actions or inactions of this defendant and, therefore, the Complaint should be dismissed.

4. The Defendant asserts that any injuries or damages, which may have been sustained, if any, were caused in whole or in part by an intervening and/or unforeseeable event.

5. The Plaintiff has failed to use reasonable efforts to mitigate damages.

6. The Defendant asserts that any alleged hazards were at all times open and obvious to the Plaintiff.

7. The Plaintiff cannot recover because the Plaintiff by the exercise of ordinary care could have avoided the consequences of any act, or failure to act, by this Defendant.

8. The Defendant asserts that if the evidence that the Plaintiff was comparatively negligent in bringing about the injuries and damages set forth in the Complaint, but her negligence was less than any negligence found on behalf the defendants, any award of damages to the Plaintiff should be reduced to the extent of Plaintiff's own negligence.

9. Plaintiff's claims and/or damages are barred in whole or in part by Plaintiff's failure to suffer cognizable damages.

10. The condition upon which Plaintiff allegedly fell was a condition of which Plaintiff had actual and/or constructive notice. Therefore, no liability rests with this Defendant.

11. Plaintiff's claims and/or damages are barred in whole or in part because the conduct complained of was not the proximate cause of any of Plaintiff's alleged damages.

12. The claim brought by Plaintiff may be barred by the running of the statute of limitations and/or the doctrine of laches and Defendant hereby reserves the right to bring a Motion for Summary Disposition pursuant to the Michigan Court Rules.

13. If it is found that Defendant did not own, possess or control the subject property where plaintiff allegedly sustained injury, then Defendant owed no duty to Plaintiff and reserves the right to move for dismissal.

14. Plaintiff's claim for non-economic damages may be barred by MCL 600.2959 if the Plaintiff's fault is greater than the aggregate fault of the other person, persons, firm or corporation that contributed to her alleged injuries whether or not parties to this action.

15. Plaintiff's claim for damages may be barred by MCL 600.2955(a)(1) & (2) if the Plaintiff was impaired due to the ingestion of alcohol or controlled substances and the Plaintiff's fault is equal to or greater than the aggregate fault of the other person or persons that contributed to Plaintiff's injuries, whether or not parties to this action.

16. That there were intervening actions of others, including the Plaintiff, that were the sole proximate cause of the incident at issue.

17. The Plaintiff has failed to join all indispensable parties and the Defendant hereby objects to said failure to join.

18. Defendant reserves the right to file a notice of non-party persons at fault to whom fault will be allocated at the time of trial in this matter.

19. Plaintiff's claims may be barred because of fraud, release, payment, prior judgment, and/or immunity granted by law and Defendant therefore reserves the right to file a Motion for Summary Disposition.

20. Defendant had no notice, actual or constructive, of the alleged defective condition.

21. The Defendant reserves the right to file additional affirmative defenses that may be learned through the course of investigation and discovery.

WHEREFORE, the Defendant, KRISPY KREME DOUGHNUT CORPORATION, pray that this Court will enter a judgment for no cause for action in his favor and will further award costs and attorneys fees so wrongfully sustained.

Respectfully submitted:

/s/John J. Gillooly
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com
P41948

DATED: August 6, 2015

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

Case No: 15-008814-NO
Judge David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION,

Defendant.

Gary R. Blumberg (P29820)
Stefania Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
313.230.1121
gblumberg@blumbergpc.com
sgismondi@blumbergpc.com
meverett@blumbergpc.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Attorney for Defendant
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com

DEMAND FOR JURY TRIAL

NOW COMES the Defendant, KRISPY KREME DOUGHNUT CORPORATION,
by and through its undersigned attorney, Garan Lucow Miller, P.C., and hereby
demands a trial by jury in the above cause.

Respectfully submitted:

/s/John J. Gillooly
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Detroit, MI 48207
313.446.5501
jjgillooly@garanlucow.com
P41948

DATED: August 6, 2015

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

Case No: 15-008814-NO
Judge David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION,

Defendant.

Gary R. Blumberg (P29820)
Stefania Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
313.230.1121
gblumberg@blumbergpc.com
sgismondi@blumbergpc.com
meverett@blumbergpc.com

John J. Gillooly (P41948)
GARAN LUCOW MILLER, P.C.
1155 Brewery Park Blvd., Ste 200
Attorney for Defendant
Detroit, MI 48207
313.446.5501
jgillooly@garanlucow.com

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

DEBORAH BROSSOIT, being first duly sworn, deposes and says that she is employed by GARAN LUCOW MILLER, P.C., and that on the 6th day of August, 2015, she served by electronic filing the foregoing paper with the Clerk of the Court using the Odyssey File and Serve Website which will send notification of such filing to the following:

Gary R. Blumberg, Esq.
gblumberg@blumbergpc.com
Stefania Gismondi, Esq.
sgismondi@blumbergpc.com
Michelle L.R. Everett, Esq.
meverett@blumbergpc.com

/s/Deborah Brossoit

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	STATUS CONFERENCE SCHEDULING ORDER <input type="checkbox"/> AMENDED ORDER	CASE NO. 15-008814-NO
---	--	---------------------------------

SANTOS, NILDA v KRISPY KREME DOUGHNUT CORPORATION
Hon. David J. Allen

Case Status: Open Active
Status Conference Date: 10/05/2015
Filed Date: 07/06/2015

PL SANTOS, NILDA
DF KRISPY KREME DOUGHNUT CORPORATION

74277 Stefania Gismondi (313) 230-1121
41948 John J. Gillooly (313) 446-5501

1. ☐ Service has been obtained and time for filing of the answer has not lapsed. IT IS ORDERED THAT:
- ☐ An adjourned Status Conference is to be held on: .
 - ☐ **PLAINTIFF IS ORDERED** to notify all parties of this conference, and file proof of service with Clerk of the Court (Room 201 Coleman A. Young Municipal Center).
 - ☐ The Court has established the schedule of events noted below and **PLAINTIFF IS ORDERED** to serve a copy of this Scheduling Order on all parties and file proof of service with the Clerk of the Court.

15-008814-NO
FILED IN MY OFFICE
WAYNE COUNTY CLERK
9/30/2015 9:40:13AM
CATHY M. GARRETT
/s/ Roderick Byrd

2. ☐ Service has been obtained, time for filing an answer has lapsed and no answer has been filed by Defendant .
Default shall be filed and served, and motion for entry of default judgment shall be filed and heard no later than .

3. ☒ The following schedule of events is ordered:

Please check (x) Track Selection	<input checked="" type="checkbox"/> Track #1	<input type="checkbox"/> Track #2	<input type="checkbox"/> Track #3	<input type="checkbox"/> Other
Witness Exchange Filing	12/28/2015	03/14/2016	06/13/2016	
Discovery Cutoff	02/15/2016	05/16/2016	08/15/2016	
Case Evaluation Month	04/2016	07/2016	10/2016	
Settlement Conference (Case Evaluation date Plus 42 days)	42 Days	42 Days	42 Days	
Other Conference				

Comments: (1) All summary disposition motions to be filed by:

(2) All responses to be filed seven (7) days prior to motion date.

(3) There will be no extension of any deadlines or dates in this order by stipulation of the parties. A motion and order shall be required for any modification.

Attorneys and/or parties are required to immediately notify the Court if there is a prior action arising out of the same transaction or occurrence, including a prior first party no-fault claim.

Please check (x) if special case evaluation panel is applicable:

☐ COMMERCIAL PANEL ☐ EMPLOYMENT/DISCRIMINATION PANEL ☐ BUSINESS COURT PANEL

NOTE: The specific trial attorneys, parties, lienholders and insurance representatives or other persons with authority to make a final decision as to settlement are required to appear at the Settlement Conference, unless excused by the assigned judge.

NOTICE: This constitutes a duly entered Order of this Court, and failure to comply strictly with all its terms, may result in sanctions.

Attorney for Plaintiff Bar No.

Attorney for Defendant Bar No.

Attorney for Plaintiff Bar No.

Attorney for Defendant Bar No.

/s/ David J. Allen 9/30/2015
Circuit Court Judge (Date)

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

NILDA SANTOS,

Plaintiff,

File No.: 15-008814-NO
Hon. David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION

Defendant.

15-008814-NO

FILED IN MY OFFICE
WAYNE COUNTY CLERK
12/29/2015 7:54:21 AM
CATHY M. GARRETT

Gary R. Blumberg (P429820)
Steanie Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
(313) 230-1121
gblumberg@blumbergpc.com

John J. Gillooly, Esq. (P41948)
GARAN LUCOW MILLER, P.C.
*Attorney for Defendant Krispy
Kreme Doughnut Corporation*
1155 Brewery Park Blvd., Suite
200
Detroit, MI 48207
(313) 446-1530
jgillooly@garanlucow.com

Carrie L. Christie (CHRI2)
RUTHERFORD & CHRISTIE,
LLP
*Attorney for Defendant Krispy
Kreme
Doughnut Corporation*
225 Peachtree Street, NE
South Tower, Suite 1750
Atlanta, GA 30303
(404) 522-6888
info@rclawllp.com

DEFENDANTS' WITNESS LIST

Now comes the Defendant, **KRISPY KREME DOUGHNUTS, INC.**, by and through their attorneys **RUTHERFORD & CHRISTIE** and **GARAN LUCOW MILLER, P.C.**, and respectfully submit the following as persons who may be called to trial:

1. Nilda Santos
17012 Oconnor Ave
Allen, Park MI 48101
2. Karnesha Choice
15015 Southfield Road
Allen Park, MI 48101
-Assistant Manager Krispy
Kreme Doughnut Corporation
3. Kotie (last name
unknown)
Former Krispy Kreme
Doughnut Corporation at
Shop #338
4. Frederica Turner
5015 Glastonberry Avenue,
Detroit, Michigan 48223
5. Orthopedic Expert
6. Hematoma Expert
7. General Surgery Expert
8. Tom Woodward
15050 Southfield Road
Allen Park, MI 48101
- Krispy Kreme Doughnut Corporation
9. Dr. Joseph Einas
Crittenton Hospital Medical Center
1101 West University Drive
Rochester, Michigan 48307
-Treating Physician

10. Dr. Mohamad H. Hakim
2012 Monroe St., Suite 120
Dearborn, MI 48124
-Treating Physician

11. Current and Past Krispy Kreme Employees

12. All of the Plaintiff's treating physicians for the injuries alleged in the Complaint.

13. All Plaintiff's treating physicians for any prior conditions.

14. Any and all persons listed or mentioned in depositions, answers to interrogatories, pleadings and/or medical records.

15. Any and all treating physicians between now and the time of trial.

16. Any and all rebuttal witnesses.

17. Any and all witnesses revealed in further discovery.

18. Any expert witnesses to be named at the end of the discovery.

19. Any expert witness required to rebut plaintiff's experts.

20. Any and all witness listed by Plaintiff.

21. Defendants reserve the right to supplement this witness list up to the time of trial.

22. Any persons, physicians, nurses, hospitals or institutions contacted by Defendants to perform independent evaluation of Plaintiff.

23. Defendants further reserve the right to call any witnesses to respond to those witnesses of Plaintiff who have not yet been disclosed to Defendants.

Respectfully submitted,

GARAN LUCOW MILLER, P.C.

/s/ John J. Gillooly

John J. Gillooly, Esq. (P41948)

Attorney for Defendant Krispy Kreme

Doughnut Corporation
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207
303.446.1530
jgillooly@garanlucow.com

RUTHERFORD & CHRISTIE, LLP

/s/ Carrie L. Christie
Carrie L. Christie, Esq. (CHRI2)
Attorney for Defendant Krispy Kreme
Doughnut Corporation
225 Peachtree Street, NE
South Tower, Suite 1750
Atlanta, Georgia 30303
404.522.6888
info@rclawllp.com

Dated: December 28, 2015

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

NILDA SANTOS,

Plaintiff,

File No.: 15-008814-NO
Hon. David J. Allen

vs.

KRISPY KREME DOUGHNUT CORPORATION

Defendant.

Gary R. Blumberg (P429820)
Steanie Gismondi (P74277)
Michelle L.R. Everett (P76943)
GARY R. BLUMBERG, P.C.
Attorney for Plaintiff
15011 Michigan Avenue
Dearborn, MI 48126
(313) 230-1121
gblumberg@blumbergpc.com

John J. Gillooly, Esq. (P41948)
GARAN LUCOW MILLER, P.C.
*Attorney for Defendant Krispy
Kreme Doughnut Corporation*
1155 Brewery Park Blvd., Suite
200
Detroit, MI 48207
(313) 446-1530
jgillooly@garanlucow.com

Carrie L. Christie (CHRI2)
RUTHERFORD & CHRISTIE,
LLP
*Attorney for Defendant Krispy
Kreme
Doughnut Corporation*
225 Peachtree Street, NE
South Tower, Suite 1750
Atlanta, GA 30303
(404) 522-6888
info@rclawllp.com

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

VUNDA PHIM, being first duly sworn, deposes and says that she is employed by RUTHERFORD & CHRISTIE, LLP, and that on the 28th day of December, 2015, she served by electronic filing the foregoing paper with the Clerk of the Court using the Odyssey File and Serve Website which will send notification of such filing to the following:

Gary R. Blumberg
gblumberg@blumbergpc.com

/s/ Vunda Phim

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

vs.

KRISPY KREME DOUGHNUT
CORPORATION

Defendants.

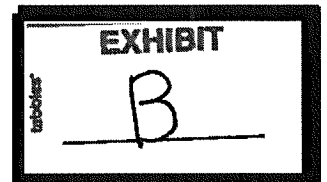
Case No. 15-008814-NO

John J. Gillooly, Esq. (P41948)
Garan Lucow Miller, P.C.
1155 Brewery Park Blvd., Suite 200
Detroit, Michigan 48207
(313) 446-5501

NOTICE OF FILING NOTICE OF REMOVAL

TO: Honorable David J. Allen
Third Judicial Circuit
2 Woodward Ave
Detroit, MI 48226

Gary R. Blumberg
Gary R. Blumberg, P.C.
15011 Michigan Avenue
Dearborn, MI 48126



FROM: John J. Gillooly, Esq., Garan Lucow Miller, P.C.

Pursuant to 28 U.S.C. § 1446(d), Defendant Krispy Kreme Doughnut Corporation files this Notice to advise the Court and opposing counsel that it has filed a Notice of Removal, attached hereto as **Exhibit 1**, in the United States District Court for the Eastern District of Michigan, Southern Division. This Notice of Filing Notice of Removal will serve to complete

the removal of this case to federal court under 28 U.S.C. §§ 1446(a)-(e), and preclude further proceedings in this action.

Respectfully submitted,

/s/ John J. Gillooly

John J. Gillooly, Esq. (P41948)

Garan Lucow Miller, P.C.

*Attorney for Defendants Krispy Kreme
Doughnut Corporation*

1155 Brewery Park Blvd., Suite 200

Detroit, Michigan 48207

(313)446-5501

Dated: February 1, 2016

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

NILDA SANTOS,

Plaintiff,

vs.

Case No. 15-008814-NO

KRISPY KREME DOUGHNUT
CORPORATION

Serve: Registered Agent
CSC -Lawyers Incorporating Service Co.
221 Bolivar Street
Jefferson City, MO 65101

Defendants.

John J. Gillooly, Esq. (P41948)
Garan Lucow Miller, P.C.
1155 Brewery Park Blvd., Suite 200
Detroit, Michigan 48207
(313) 446-5501

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

PAMELA STOGDILL, being first duly sworn, deposes and says that she is employed by GARAN LUCOW MILLER, P.C., and that on the 1st day of February, 2016, she served by electronic filing the foregoing paper with the Clerk of the Court using the Odyssey File and Serve Website which will send notification of such filing to the following:

Gary Blumberg, Esq.

/s/Pamela Stogdill

jdc@rclawllp.com

From: Gary Blumberg <gblumberg@blumbergpc.com>
Sent: Tuesday, January 19, 2016 5:25 PM
To: eyw@rclawllp.com
Subject: Nilda Santos v Krispy Kreme Doughnut Corp
Attachments: BCN Lien as of Jan 14 2016.pdf

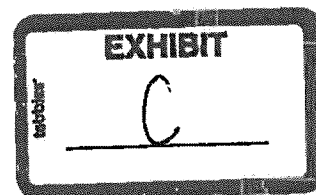
Emily,

I have confirmed the medical lien remains the same per the attached updated subrogation letter. I talked to Ms. Santos and although she hasn't yet returned to the doctor she continues to have problems and plans to return for reval.

In view of the medical expenses that are in excess of \$27,000 , demand for settlement is in the amount of \$117,500.

I look forward to your response.

Gary



IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NILDA SANTOS,)	
)	
Plaintiff,)	
)	CIVIL ACTION
vs.)	
)	FILE NO.: _____
KRISPY KREME DOUGHNUT CORP.)	
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that I have on this date served all parties in the foregoing matter with a copy of the foregoing **NOTICE OF REMOVAL** via electronic mail, as follows:

Gary R. Blumberg
Gary R. Blumberg, P.C.
15011 Michigan Avenue
Dearborn, MI 48126
gblumberg@blunbergpc.com

Date: February 1, 2016

/s/ Pamela Stogdill
Pamela Stogdill